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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,711	10/04/2000	Stephen L Corley	36-1377	2382

23117 7590 08/26/2003

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EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647,711

Applicant(s)

CORLEY ET AL.

Examiner

Alford W. Kindred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment C, filed on 17/21/03.

--Applicant is advised that there is a missed spelled word in claim 7 (i.e. "on" instead on "one"). Correction is needed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-8, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Black et al., US# 6,285,998 B1.

As per claims 1, 5-6, 8 and 12-13, Black et al. teaches "constructing database queries . . . storing database queries" (see col. 6, lines 1-25, whereas Black's modify and reuse elements in regards to search stored query reads on applicant's claim language above) "a search tool for searching the query store against . . ." (see fig. 14—sheet 14 of 16, whereas the interface with placeholders 1402, 1403, etc., clearly reads on search tool for search a query store as implied by applicant's claim language) "query submission means for selecting between a constructed query . . ." (see fig. 14—sheet

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14 of 16 and col. 5, lines 45-67, whereas Black's "allowing the user to reuse large parts . . . query . . .", reads on applicant claim language of have the ability to query for the selection of several queries) "said query store being separate from said database" said query store being separate from said database" (see col. 9, lines 60-67 and col. 6, lines 1-17, whereas Black's "optionally save the query for future use . . . this storage area could in stead be located on another computer, clearly teaches applicant's claim language of a query store being separate from a database).

As per claim 2, Black et al. teaches "user input means . . . a database query . . ." (see fig. 14—sheet 14 of 16) "calculate a similarity factor between data fields . . ." (see col. 6, lines 1-10, whereas Black's "user can locally store a plurality of queries . . . to **modify and reuse** them are indicative of a calculating factor between data fields as illustrated in applicant's claim language, since the element of locating stored queries involve a calculation of data fields in a manner similar to applicant's teachings.

As per claim 7, Black et al. teaches "a user loading data to at least on data field in a database query" (see fig. 14-sheet 14 of 16, whereas Black's search field placeholders, reads on applicant claim language of loading data into data fields).

As per claim 11, Black et al. teaches "collecting management information data for a query submitted . . . structuring the management information . . . loading structured management . . ." (see fig. 12-sheet 12 of 16 and fig. 13—sheet 13 of 16, whereas Black's search field includes structuring management in formation in a manner similar to applicant's claim language).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black et al. in view of Johnson et al., US# 6,081,798.

As per claims 3 and 9-10, Malloy teaches "case based reasoning . . . does so to construct a query as a case" (see col. 2, lines 56-67 and col. 3, lines 1-12). It would have been obvious for one of ordinary skill in the art at the time of the invention to have combined the teachings of Black and Molly, because using steps of "case based reasoning . . .", because using the process involving case base reasoning would have given those skilled in the art the tools to apply a framework that users can use to produce query solutions, this give users that advantage of solving problems by examining descriptions of similar and previous problems (i.e. col. 2 of Johnson).

As per claim 4, Black et al. teaches "collecting said management information, structuring the management information . . . a respective query in the . . ." (see fig. 12—sheet 12 of 16 and fig. —sheet 13 of 16, whereas Black's search fields includes placeholders for various query including the respective query implied in applicant's claim language; further Black's search fields involves structuring management data in a manner similar to applicant's claim language).

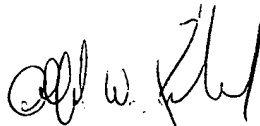
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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', with a stylized flourish at the end.

Alford W. Kindred
Patent Examiner
Tech Ctr. 2100